Re:

Appeal against the order of the Court of First Instance (Fourth Chamber) of 14 December 2006 in Case T-150/06 *Smanor and Others* v *Commission* whereby the Court of First Instance dismissed as inadmissible the action by the applicants for: (1) a declaration that the Commission unlawfully failed to act by not taking a position on the complaints which they had lodged in 1986 against the French Republic; and (2) an order for suspension of operation of a judgment and of a decision taken by the national authorities.

Operative part

1. The appeal is dismissed.

2. Smanor SA and Mr & Mrs Ségaud are ordered to bear their own costs.

Judgment of the Court (Seventh Chamber) of 24 May 2007 — Commission v Spain

(Case C-361/05)

Failure of a Member State to fulfil its obligations — Waste management — Directives 75/442/EEC and 1999/31/EC — Illegal and uncontrolled waste tips — Waste tips at Níjar, Hoyo de Miguel and Cueva del Mojón

Actions for failure to fulfil obligations — Examination of merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 226 EC) (see para. 22)

Re:

Failure of a Member State to fulfil its obligations — Infringement of Articles 4, 9 and 13 of Council Directive 75/442/EEC, of 15 July 1975, on waste (OJ 1975 L 194, p. 39), as amended by Council Directive 91/156/EEC of 18 March 1991 (OJ 1991 L 78, p. 32) and of Article 14 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ 1999 L 182, p. 1) — Waste tips at Níjar, Hoyo de Miguel and Cueva del Mojón, situated in La Mojonera.

Operative part

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the necessary provisions to ensure application of Articles 4, 9 and 13 of Council Directive 75/442/EEC of 15 July 1975 on waste — as amended by Council Directive 91/156/EEC of 18 March 1991 — and of Article 14 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, with regard to the waste tips at Níjar, Hoyo de Miguel and Cueva del Mojón (Province of Almería), the Kingdom of Spain has failed to fulfil its obligations under those provisions;

2. Orders the Kingdom of Spain to pay the costs.

Judgment of the Court (Fifth Chamber) of 24 May 2007 — Commission v Italy

(Case C-394/05)

Failure of a Member State to fulfil its obligations — Directive 2000/53/EC — End-of-life vehicles — Articles 3(5), 5(1), 7(2) and 8(3) and (4) — Defective transposition